RECORD AND BRIEFS

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IN THE

Supreme Court of the United States

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL.,
PETITIONERS,
V.
INTERNATIONAL REFUGEE ASSISTANCE PROJECT, ET AL.,
RESPONDENTS.

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL.,
PETITIONERS,
V.
STATE OF HAWAII, ET AL.,
RESPONDENTS.

On Writ of Certiorari to the United States Court of Appeals for the Fourth and Ninth Circuits

BRIEF OF AMICI CURIAE

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Campbell v. Louisiana,
523 U.S. 392 (1998) 6, 27

Caplin & Drysdale, Chartered v. United States,
491 U.S. 617 (1989) 7, 15

Carey v. Population Servs. Int'l,
431 U.S. 678 (1977) 6, 15

Craig v. Boren,
429 U.S. 190 (1976) 15

Dep't of Labor v. Triplett,
494 U.S. 715 (1990) 7, 15

Doe v. Bolton,
410 U.S. 179 (1973) 7

Eisenstadt v. Baird,
405 U.S. 438 (1972) 7, 16

Equal Rights Ctr.v. Equity Residential,
798 F.Supp.2d 707 (D. Mar. 2011) 14

Exodus Refugee Immigration, Inc. v. Pence,
165 F.Supp.3d 718 (S.D. Ind. 2016) ..... passim

Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.,
528 U.S. 167 (2000) 9

Griswold v. Connecticut,
381 U.S. 479 (1965) 16

Havens Realty Corp. v. Coleman,
455 U.S. 363 (1982) 3, 9, 14

Hunt v. Washington Apple Advertising Commission,
432 U.S. 333 (1977) 3

International Refugee Assistance Project v. Trump,
857 F.3d 554 (4th Cir. 2017) 2

Kowalski v. Tesmer,
543 U.S. 125 (2004) 16

Lujan v. Defenders of Wildlife,
504 U.S. 555 (1992) 8

NAACP v. Alabama,
357 U.S. 449 (1958) 24

Pa. Psychiatric Soc'y v. Green Spring Health Servs., Inc.,
280 F.3d 278 (3d Cir. 2002) 20, 24

Powers v. Ohio,
499 U.S. 400 (1991) ..... passim

Singleton v. Wulff,
428 U.S. 106 (1976) ..... passim

Spokeo v. Robins,
136 S. Ct. 1540 (2016) 8

U.S. v. SCRAP,
412 U.S. 669 (1973) 9

White Tail Park, Inc. v. Stroube,
413 F.3d 451 (4th Cir. 2005) 9

OTHER AUTHORITIES

Dean Obeidallah, *Donald Trump's Most Bone-chilling Tweet*, CNN (Feb. 6, 2017), http://cnn.it/2kFMEsG 23

Donald J. Trump, *Statement on Preventing Muslim Immigration*, DONALDJTRUMP.COM (Dec. 7, 2015), https://www.donaldjtrump.com/pressreleases/donald-j.-trump-statement-on-preventing-muslim-immigration 21

Eric Lichtblau, *Hate Crimes Against Muslims Most Since Post 9-11 Era*, N.Y. TIMES (Sept. 17, 2016), https://www.nytimes.com/2016/09/18/us/politics/hatecrimes-american-muslims-rise.html (describing rise in hate crimes against Muslims in the United States) 21

Exec. Order No. 13769, Protecting the Nation from Foreign Terrorist Entry into the United States, 82 Fed. Reg. 8,977 (Feb. 1, 2017) 1, 13

Exec. Order No. 13780, Protecting the Nation from Foreign Terrorist Entry into the United States, 82 Fed. Reg. 13,209 (Mar. 9, 2017) ..... passim

Hate Groups Increase for Second Consecutive Year as Trump Electrifies Radical Right, SOUTHERN POVERTY LAW CENTER (Feb. 15, 2017), https://www.splcenter.org/news/2017/02/15/hate-groups-increase-second-consecutive-year-trump-electrifies-radical-right 21

History, HIAS, https://www.hias.org/history (last accessed Apr. 18, 2017) 10

Issac Chotiner, *Donald Trump & the Spike in Anti-Muslim Hate Crimes in the U.S.*, SLATE (May 9, 2016), http://www.slate.com/blogs/the_slatest/2016/05/09/donald_trump_and_the_rise_of_anti_muslim_hate_crimes.html 21

Jessica Mayo, *Court-Mandated Story Time: The Victim Narrative in U.S. Asylum Law*, 89 WASH. U. L. REV. 1485, 1503 (2012) 26

John Eligon et al., *Hate Crime Is Feared as Two Indian Engineers Are Shot in Kansas*, N.Y. TIMES (Feb. 24, 2017), https://www.nytimes.com/2017/02/24/world/asia/kansas-attack-possible-hatecrime-srinivas-kuchibhotla.html 21

Lizzy Ratner, *The Last Time We Closed The Gates*, THE NATION, Feb. 24, 2017 18

Max Greenwood, *Judge Who Blocked Second Travel Ban Getting Death Threats*, THE HILL (Mar. 24, 2017 10:58 AM), http://thehill.com/blogs/blog-briefing-room/news/325614-federal-judge-who-blocked-second-travel-ban-received-threats 23

Our Model: The Evolution of IRAP, INTERNATIONAL REFUGEE ASSISTANCE PROJECT, https://refugeerights.org/our-work/our-model/ 12

People We Serve, INTERNATIONAL REFUGEE ASSISTANCE PROJECT, https://refugeerights.org/who-we-serve/ (last accessed Apr. 18, 2017) 12

Refugee Frequently Asked Questions, HIAS, https://www.hias.org/faq/refugee (last accessed Apr. 18, 2017) 10

Ryan Lenz, *Daily Stormer Targets Federal Judge's Ruling Against Trump's Muslim Ban*, SOUTHERN POVERTY LAW CENTER (Feb. 1, 2017), https://www.splcenter.org/hatewatch/2017/02/01/daily-stormer-targets-federal-judges-ruling-against-trumps-muslim-ban. 22

Samantha Schmidt, *Suspect in Kansas Bar Shooting of Indians Apparently Thought They Were Iranians*, WASH. POST (Feb. 28, 2017), https://www.washingtonpost.com/news/morningmix/wp/2017/02/28/suspect-in-kansas-bar-shooting-of-indians-apparently-thought-they-were-iranians/?utm_term=.314bb587a0c7 22

Vivian Yee, *Meet the Everyday People Who Have Sued Trump. So Far, They've Won,* N.Y. TIMES (Mar. 29, 2017), https://www.nytimes.com/2017/03/29/us/trump-travel-ban.html?_r=1. 22

Welcome, HIAS, https://www.hias.org/welcome (last accessed Apr. 18, 2017) 11

STATEMENT OF INTEREST

Amici curiae[1] are refugee resettlement groups, immigrant rights organizations and legal service providers whose members and clients have been directly impacted by the Executive Order at issue in this case. *Amici* work closely with individuals who, in this moment of increased hostility to immigrant and Muslim populations, face significant barriers in coming forward with their claims. *Amici* therefore have a strong interest in ensuring that the voices of the vulnerable populations that are marginalized by this Executive Order are heard despite their significant fears of retaliation, harassment and physical harm against themselves and their family members here and abroad. A detailed description of *amici* is appended at the conclusion of this brief.

SUMMARY OF ARGUMENT

The two Executive Orders released by the Trump Administration on January 27, 2017 (hereinafter "January 27 Executive Order")[2] and March 6, 2017 (hereinafter "March 6 Executive

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[1] *Amici* state that no counsel for a party authored any part of this brief, and no person or entity other than *amici* and their counsel made a monetary contribution to the preparation or submission of this brief. Both petitioners and respondents have consented to the filing of this brief pursuant to Rule 37.3(a).

[2] Exec. Order No. 13769, Protecting the Nation from Foreign Terrorist Entry into the United States, 82 Fed. Reg. 8,977 (Feb. 1, 2017).

Order"),[3] directly target Muslims immigrants and create unprecedented fear in these communities. A heavy burden of responding to these fears and challenging the Executive Orders has fallen on organizations serving these communities. International Refugee Assistance Project ("IRAP") and HIAS[4] are among the organizations that have brought the legal challenge now before this Court—not only on behalf of themselves, but also on behalf of their clients. In attacking the standing of the individuals and organizations pursuing this litigation, the Government has taken aim at IRAP's and HIAS's third-party standing to pursue the rights of their clients.[5]

Amici support Respondents' arguments that each of the individuals and organizations pursuing this legal challenge have proper standing on various other grounds, as well.[6] With respect to organizational Respondents IRAP, HIAS, and the Middle East Studies Association of North America ("MESA"), *amici* support their arguments that they each have organizational standing to sue in their own right. *See*

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[3] Exec. Order No. 13780, Protecting the Nation from Foreign Terrorist Entry into the United States, 82 Fed. Reg. 13,209 (Mar. 9, 2017).

[4] HIAS was formerly known as the Hebrew Immigrant Aid Society.

[5] Pet'r Br. at 22-35; *see also* Brief of President Trump, et al., *Int'l Refugee Assistance Project v. Trump*, 857 F.3d 554 (4th Cir.), as amended (May 31, 2017), as amended (June 15, 2017). The Fourth Circuit did not reach the third-party standing arguments in its decision. *See* Int'l Refugee Assistance Project, 857 F.3d at 586.

[6] Resp. Br. at 16-26.

Havens Realty Corp. v. Coleman, 455 U.S. 363, 379 (1982) (holding that an organizational plaintiff demonstrated organizational standing based on the concrete and demonstrable injury-in-fact to its ability to provide counseling and referral services related to its housing mission and the consequent drain on resources); *see also* Resp. Br. at 25-26; *infra* II.A (discussing IRAP's and HIAS's injuries). Moreover, *amici* support MESA's argument that it has associational standing on behalf of its members. *See Hunt v. Washington Apple Advertising Commission*, 432 U.S. 333 (1977) (holding that an agency had standing to pursue litigation on behalf of its members); *see also* Resp. Br. at 25. The specifics of these organizational and associational standing arguments are not further addressed here.

Rather, *amici* submit this brief to expound on the important third-party standing arguments IRAP and HIAS raise on behalf of their clients. Contrary to the Government's arguments, IRAP and HIAS have third-party standing to challenge the March 6 Executive Order, including Section 2(c) enjoined by the Fourth Circuit, on behalf of their clients.[7] As required to show third-party standing, IRAP and HIAS each: (1) has suffered an injury-in-fact; (2) has a close relationship with the third party (their clients); and (3) those clients face genuine obstacles in asserting their rights. *Powers v. Ohio*, 499 U.S. 400, 411 (1991); *Singleton v. Wulff*, 428 U.S. 106, 114–16 (1976). The Government's argument that IRAP and

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[7] Pet'r Br. at 28 n.10 (asserting that IRAP and HIAS "seek admission for refugees, J.A. 184-186—a process not affected by Section 2(c)" and therefore have no standing).

HIAS fail to meet these requirements is not only incorrect, it strikes at the heart of the protection that third-party standing is designed to provide to vulnerable populations such as IRAP's and HIAS's clients.

As explained below, third-party standing plays a critical role in protecting the constitutional rights of marginalized communities, and IRAP and HIAS meet these requirements. The Executive Order has significantly hampered the ability of IRAP and HIAS to fulfill their mission and provide an array of critically needed legal services to their clients, from refugee resettlement to family reunification through visa applications—all of which are affected by the Section 2(c) bar on entry for individuals from Iran, Libya, Somalia, Sudan, Syria, and Yemen. Many of IRAP's and HIAS's clients are impacted by Section 2(c) of the March 6 Executive Order, both with respect to visa applicants as well as refugees who are unlikely to fall under case-by-case exceptions to the refugee ban if they are from one of the six countries. IRAP and HIAS are engaged in advocacy and have close attorney-client relationships with these individuals, ensuring their resettlement and reunification with family in the United States. IRAP and HIAS necessarily bring suit on behalf of individuals who are deeply fearful of challenging the new administration's travel ban in light of the discriminatory anti-Muslim and anti-immigrant climate that the current administration has fostered throughout the United States.

This group of displaced individuals and visa applicants faces significant marginalization as a

result of the efforts by the Trump Administration to promulgate a discriminatory and unconstitutional ban on Muslim immigrants. Organizations like IRAP and HIAS were involved in grassroots mobilization against and legal challenges to both Executive Orders, drawing upon their longstanding relationships with individuals from the impacted countries. Such organizational efforts were essential to ensuring that the concerns and the rights of the people directly impacted by the Executive Order would be vindicated. This *amici curiae* brief is about the critical ability of these community organizations to continue their work by bringing suit on behalf of those who would otherwise be doubly burdened by the constitutional and statutory violations at the heart of the March 6 Executive Order.

ARGUMENT

In order to have jurisdiction over a claim in federal court, a party must meet both constitutional and prudential standing requirements. We support the arguments of Respondents that both IRAP and HIAS, with the other individual and organizational parties in this case, have Article III standing, and in this brief focus on the importance of third-party standing. As explained below, courts have long recognized the importance of third-party standing in ensuring the vindication of the constitutional rights of marginalized communities. *See* Point I, *infra*. In this case, both IRAP and HIAS meet all three prerequisites of third-party standing. *See* Point II, *infra*. The March 6 Executive Order has strained IRAP's and HIAS's resources and inhibits the ability of both organizations to carry out their core

purposes—thus meeting the injury-in-fact prerequisite. IRAP's and HIAS's close professional relationship with individuals affected by Section 2(c) of the March 6 Executive Order, both here in the United States and abroad, make them "fully, or very nearly, as effective . . . proponent[s] of the right as the [third party]." *Singleton*, 428 U.S. at 115. Finally, the environment of anti-Muslim sentiment, as well as the economic, psychological, and cultural barriers that newly-arrived immigrants face in the United States, serve as significant hindrances to these individuals asserting their own rights in court.

I. Third-Party Standing Is Critical To The Protection Of The Constitutional Rights Of Marginalized Communities

At its core, this case is about the targeting of Muslim communities through policies that strike at the intersection of various forms of discrimination, including Islamophobia, xenophobia, nativism, and racism. The availability of third-party standing to bring suit to raise such core civil rights issues has long been recognized in our judicial system. *See, e.g.*, *Campbell v. Louisiana*, 523 U.S. 392, 397–400 (1998) (white defendant had standing to assert constitutional rights of African-American jurors excluded from grand jury that issued indictment); *Powers*, 499 U.S. at 410–16 (white defendant had standing to assert constitutional claims of African-American persons excluded from petit jury service by racially discriminatory peremptory challenges); *Carey v. Population Servs. Int'l*, 431 U.S. 678, 683 (1977) (distributor of contraceptives could challenge state law limiting sale of its products, "not only in its own

right but also on behalf of its potential customers"); *Singleton*, 428 U.S. at 117–18 (physicians who provide abortions have standing to assert rights of women patients in challenge to abortion funding restriction); *Doe v. Bolton*, 410 U.S. 179, 188 (1973) (physicians who provide abortions have standing to assert rights of women patients); *Eisenstadt v. Baird*, 405 U.S. 438, 445–46 (1972) (distributor of contraception has standing to assert the rights of unmarried individuals).

The availability of third-party standing doctrine in this context stems from recognition of the fact that there are instances where "there [exists] some hindrance to the third party's ability to protect his or her own interests." *Powers*, 499 U.S. at 411 (1991) (quoting *Singleton*, 428 U.S. at 112). Thus, so long as the litigating party itself suffers an "injury-in-fact" and has a "close relation" to the third party who is hindered from asserting his or her own rights, third-party standing is not only appropriate, but critical to the protection of constitutional interests. For example, lawyers and doctors have raised several access-to-justice and privacy rights concerns on behalf of their clients or patients. *See, e.g., Dep't of Labor v. Triplett*, 494 U.S. 715, 720 (1990) (lawyers have standing to assert rights of clients); *Caplin & Drysdale, Chartered v. United States*, 491 U.S. 617, 623–624, n.3 (1989) (same); *Singleton*, 428 U.S. at 117-118 (physicians have standing to assert rights of women patients); *Doe*, 410 U.S. at 188 (same).

The March 6 Executive Order raises a host of constitutional and statutory issues that strike at the heart of civil rights for Muslim and immigrant

communities in the United States. As mounting anti-Muslim sentiment reaches high-level government officials and results in policies affecting some of the most vulnerable immigrant communities, a careful application of third-party standing doctrine will play a critical role in ensuring that unconstitutional practices are reviewed by our judicial system. *See Exodus Refugee Immigration, Inc. v. Pence*, 165 F.Supp.3d 718, 732 (S.D. Ind. 2016) (recognizing refugee resettlement agency's third-party standing to litigate on behalf of Syrian refugees in lawsuit against then-Governor Mike Pence's declaration against the resettlement of refugees in Indiana), *aff'd*, 838 F.3d 902 (7th Cir. 2016). As described below, *see* Point II, *infra*, IRAP and HIAS meet the requirements of third-party standing. Recognizing this standing will help to ensure access to justice on behalf of the Muslim communities they serve.

II. IRAP And HIAS Have Third-Party Standing To Vindicate The Rights Of Their Clients Harmed By The Executive Order.

A. IRAP And HIAS Have Particularized And Concrete Injuries-In-Fact.

The first prerequisite for finding that a litigant has third-party standing is that the litigant must allege an injury that is both "concrete and particularized" and "actual and imminent." *Spokeo v. Robins*, 136 S. Ct. 1540, 1548 (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992)). The Supreme Court and this Circuit have found a sufficient injury-in-fact when an organization alleges an injury based on harm to the organization's core purpose or mission. *See*

White Tail Park, Inc. v. Stroube, 413 F.3d 451, 459–61 (4th Cir. 2005) (organization that alleged that statute infringed on ability to promote its social message alleged sufficiently particular and concrete injury); *cf. Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.*, 528 U.S. 167, 181 (2000) (finding that the organization had standing when interests at stake were germane to organization's purpose). Organizations may also allege injuries-in-fact when they can show that a particular action will have a concrete and demonstrable injury to the organization's activities, including a consequent drain on the organization's resources. *See Havens Realty Corp. v. Coleman*, 455 U.S. 363, 378–79 & n.20 (1982) (housing advocacy organization alleged sufficiently concrete and particularized injury based on drain of resources to combat racial steering practices); *Exodus Refugee Immigration, Inc.*, 165 F.Supp.3d at 732. In many cases, alleging an economic injury, while not necessary, is usually sufficient to find that there is standing. *See Ass'n Data Processing Service Organizations, Inc. v. Camp*, 397 U.S. 150, 152 (1970); *U.S. v. SCRAP*, 412 U.S. 669, 686 (1973). In this case however, IRAP and HIAS suffer both economic and non-economic harms that constitute concrete and particularized injuries-in-fact.

First, Section 2(c) of the Executive Order adversely affects the goals and social mission of both IRAP and HIAS, creating a concrete injury-in-fact. Their missions and values as organizations are deeply connected with the services they provide to refugees and other visa applicants, services that are now diminished as a result of the ban.

HIAS was established over 130 years ago, prior to the existence of refugee law in the United States.[8] Their mission is to welcome those who have been displaced to the United States and help them build new lives here in the United States. In the words of HIAS President Mark Hetfield:

> HIAS's refugee resettlement work is grounded in, and an expression of, the organization's sincere Jewish beliefs.... The Jewish obligation to the stranger is repeated in various ways throughout the Torah, more than any other teaching or commandment. HIAS believes that this religious commandment demands concern for and protection of persecuted people of all faiths. The Torah also teaches that the Jewish people are to welcome, protect, and love the stranger.... Throughout their history, violence and persecution have made the Jewish people a refugee people. Thus, both our history and our values lead HIAS to welcome all refugees in need of protection. A refusal to aid persecuted people of any one faith, because of stigma attached to that faith, violates HIAS's deeply held religious convictions. Hetfield Decl., ¶ 4, J.A. 398.

HIAS's purpose extends to assisting individuals already in the United States as well as facilitating admission to the United States of their clients' relatives.[9] Hetfield Decl., ¶ 7, J.A. 400. For

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[8] *History*, HIAS, https://www.hias.org/history (last accessed Apr. 18, 2017).

[9] *Refugee Frequently Asked Questions*, HIAS, https://www.hias.org/faq/refugee (last accessed Apr. 18, 2017).

example, HIAS is integral in assisting its clients' petitions for their children and other relative minors to immigrate here. Hetfield notes, "[t]hese children remain in vulnerable and dangerous situations in their home countries, despite having been approved for refugee status and their U.S. family members are forced to endure continued separation from and concern for these children." Hetfield Decl., ¶ 27, J.A 411.

HIAS also provides training to help newly arrived immigrants "understand how American customs and culture differ from their native land," and invests in long-term support and guidance for these individuals, "for up to five years after arrival."[10] HIAS's "largest source of funding" is directed towards new immigrants and displaced individuals, and is used for provision of housing, rent and utilities, food, medical care, case management, safety and cultural orientation, ESL classes, school, employment services, and other social services programs. Hetfield Decl. ¶ 9, J.A. 401. HIAS aims to assert its clients' rights, infringed upon by the Executive Order, so that it may continue to fulfill its mission in providing its clients with this comprehensive aid and continue unifying families.

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[10] Welcome, HIAS, https://www.hias.org/welcome (last accessed Apr. 18, 2017).

IRAP was founded in 2008 "because of the clear obligations of Western countries, and the United States in particular, to provide relief to those who were unintended victims of the Iraq War."[11] Its mission has since expanded "to provide and facilitate free legal services for vulnerable populations around the world, including refugees." Heller Decl., ¶ 4, J.A. 387. Its work also includes filing family reunification petitions for refugees, asylees, lawful permanent residents, and U.S. citizens for family members overseas, including those in the six Muslim-majority nations subject to the ban in Section 2(c). Heller Decl., ¶ 5, J.A. 387. IRAP advocates for "the world's most at-risk refugees, including LGBTI individuals, religious minorities subject to targeted violence, survivors of sexual and gender-based violence, children with medical emergencies for which local treatment is not available, and interpreters being hunted down by the Islamic State, militias, and the Taliban in retaliation for their work with the United States and NATO."[12]

Both IRAP and HIAS's missions are thus thwarted when the people they purport to serve, through family reunification and other services, are blocked from entering the country. Hetfield Decl., ¶ 4, J.A. 398; Heller Decl., ¶ 8, J.A. 388-89.

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[11] *Our Model: The Evolution of IRAP*, INTERNATIONAL REFUGEE ASSISTANCE PROJECT, https://refugeerights.org/our-work/our-model/.

[12] *People We Serve*, INTERNATIONAL REFUGEE ASSISTANCE PROJECT, https://refugeerights.org/who-we-serve/ (last accessed Apr. 18, 2017).

Many of their clients impacted by Section 2(c) of the March 6 Executive Order both with respect to visa applicants as well as refugees who are unlikely to fall under case-by-case exceptions to the refugee ban if they are from one of the six countries. Hetfield Decl., ¶ 5, J.A. 398-99; Heller Decl., ¶ 7, J.A. 388. Thus, IRAP and HIAS are prevented from fulfilling their core mission if they cannot serve their clients due to the Executive Order.

IRAP and HIAS also suffer economic injuries-in-fact when their clients or clients' family members are prevented from entering the country. The nature of this prevention is economic because it constitutes a drain on their resources to manage hotlines, counsel clients, and dedicate time advising and warning clients of potential barriers they may face because of Section 2(c) of the Executive Order. *See* Heller Decl. ¶¶ 8, 10-18, J.A. 388-93 (describing how IRAP's resources have been diverted because of the strain of serving as a fielding house to ensure safe arrival of people at airports who were members of the targeted countries); Hetfield Decl., ¶¶ 13-21, J.A. 403-08 (describing potential HIAS layoffs occurring as a result of the Executive Order and the diversion of resources from its core work).

When IRAP and HIAS suffer economic injury, their clients are also injured by the reduced services these organizations can provide them. For example, HIAS employees have already been laid off at a HIAS affiliate in Ohio. *Id.* Many staff who have lost their jobs work with refugees. *Id.* When sites are shuttered or their capacity is decreased, the local expertise and relationships are lost. *Id.* These clients

are receiving, or will receive, diminished services as a result of the March 6 Executive Orders. Hetfield Decl., ¶ 22, J.A. 408. As a result of the January 27 and March 6 Executive Order, IRAP's resources have also been stretched. *See* Heller Decl., ¶¶ 8, 10-18, J.A. 388-93. Because these organizations are now devoting resources outside the scope of their normal work, they have limited capacity to take on new cases and ensure full representation of their clients. *Id.*

IRAP and HIAS also suffer injury because resources dedicated to assist clients in their resettlement in the United States can no longer be used for those clients when they are barred from entry into the country. The Supreme Court and the lower districts courts within this Circuit have both recognized this sort of drain on organizational resources as a cognizable injury-in-fact. *See Havens*, 455 U.S. 363, at 369–70 (finding that racial steering practices of real estate company frustrated a housing rights organization's counseling and referral services, causing a consequent drain on resources that was a cognizable injury); *Equal Rights Ctr. v. Equity Residential*, 798 F.Supp.2d 707, 722–23 (D. Mar. 2011) (citing *Havens* to find that disability discrimination by real estate company caused injury-in-fact to housing rights organization due to drain on resources).

B. IRAP And HIAS Have A Close Relationship With The Third Parties Whose Rights They Are Vindicating.

The March 6 Executive Order is a direct attack on the very goals that IRAP and HIAS are working to achieve with their clients. As enshrined in each organization's purpose, and emblematic in their history, their relationships with their clients are so close that "the enjoyment of the right is inextricably bound up with the activity the litigant[s] wish[es] to pursue." *Singleton v. Wulff*, 428 U.S. 106, 113–15 (1976).

Courts' decisions have focused on the character of the relationship between the litigant and the rightholder. *Singleton*, for example, acknowledged the significant bond between physician and patient. *See* 428 U.S. at 117 (plurality opinion) ("[T]he physician is uniquely qualified to litigate the constitutionality of the State's interference with, or discrimination against, [the abortion] decision."). Similarly, the Court has recognized in the third-party standing context that an existing attorney-client relationship is sufficient for third-party standing. *See Caplin & Drysdale, Chartered*, 491 U.S. at 623–624; *Triplett*, 494 U.S. at 720. Moreover, the Court has found an adequate "relation" between litigants alleging third-party standing and those whose rights they seek to assert when nothing more than a buyer-seller connection was at stake. *See Carey*, 431 U.S. at 683; *Craig v. Boren*, 429 U.S. 190, 195 (1976).

The Executive Order stoked anti-Muslim sentiment and re-traumatized vulnerable populations—the very populations whose needs are at the core of the advocacy mission of IRAP and HIAS. As the legal advocates of these individuals, IRAP and HIAS have worked closely with them and are uniquely situated to litigate their concerns. *Singleton*, 428 U.S. at 115. Because of the March 6 Executive Order, IRAP and HIAS have clients whose constitutional rights "are likely to be diluted or adversely affected unless those rights are considered in a suit involving those who have [a] confidential relation to them," which both IRAP and HIAS develop while handling the sensitive claims of clients, many of whom are coping with the traumatic aftermath of enduring and surviving deadly conflict. *Griswold v. Connecticut*, 381 U.S. 479, 481 (1965) (determining that the defendant, a licensed physician, could assert their patients' privacy rights in court due to the confidential relationship that develops when a patient confides in their physician). Furthermore, in the context of ongoing attorney-client relationships, this is "sufficient to confer third-party standing." *Kowalski v. Tesmer*, 543 U.S. 125, 130–31 (2004).

IRAP and HIAS provide legal and resettlement services, help with family reunification, and advocate on behalf of people new to the United States. *See* Hetfield Decl. ¶ 7, J.A. 400; Heller Decl. ¶ 5, J.A. 387. But for the help of these organizations, these individuals and their family members would be unable to settle into new homes in the United States. *See Eisenstadt*, 405 U.S. 438 at 445 (third-party standing could be found where there was a "relationship between one who acted to protect the

rights of a minority and the minority itself," such as "that between an advocate of the rights of persons to obtain contraceptives and those desirous of doing so"). By violating these clients' constitutional rights, the March 6 Executive Order threatens the feasibility of IRAP and HIAS to continue their substantive work in providing comprehensive services for immigrants, including resettlement and family reunification, further demonstrating the close relationship between these individuals and IRAP and HIAS. *See Exodus Refugee Immigration, Inc.*, 165 F.Supp.3d at 732 (finding that a refugee resettlement agency had standing to bring equal protection claims where a state directive denying it funding threatened its ability to serve its purpose and mission to provide a range of services to Syrian refugee clients).

Rather than address these concerns, the Government suggests that neither IRAP nor HIAS can meet third-party standing requirements because they purportedly fail to "identify a . . . client whom Section 2(c) would bar from entering." Pet'r Br. at 28 n.10. As an initial matter, however, the organizations have specified their relationship with such clients—both clients who are refugees from the banned countries covered in Section 2(c) as well as clients who have family members in the banned countries who seek reunification. *See* Hetfield Decl. ¶¶ 24-25, 27, 30, 32-33, J.A. 409-14; Heller Decl. ¶¶ 5, 7, J.A. 386-87. Moreover, third-party standing does not require organizations to name specific individuals—such a requirement would defeat the purpose of third-party standing, which is to protect the rights of individuals who are hindered from bringing litigation in their own names. *See infra* II.C (discussing the hindrances faced

by the clients of IRAP and HIAS). The test requires only that the organizations' relationships with their impacted clients are real and not hypothetical.

IRAP and HIAS's relationships with their clients are not conjectural or hypothetical, because these organizations have current and ongoing relationships with specific refugees and visa applicants affected by the March 6 Executive Order. *See Exodus*, 165 F.Supp.3d at 732. *See also* Hetfield Decl. ¶ 24-25, J.A. 409; Heller Decl. ¶¶ 5, 7, J.A. 263. They currently have clients from the banned countries who will not be able to seek the waivers purportedly available to them. Hetfield Decl. ¶ 24-25, J.A. 409-10; Heller Decl. ¶¶ 5, 7, J.A. 386-87. IRAP's and HIAS's work resettling and reuniting families separated by horrific circumstances, including torture and war, has become especially crucial in serving nationals from Iran, Libya, Somalia, Sudan, Syria, and Yemen. *Id.* The affected refugees and visa applicants, many of whom have fled persecution and are in the process of relocating to America, rely on their contacts at IRAP and HIAS to find community, to access resources, and to begin their new lives in the United States. Their reunification with family in the United States is dependent on the relief this Court could provide. Hetfield Decl. ¶ 25, J.A. 408-09; Heller Decl. ¶¶ 5, 15, 21–26, J.A. 386, 391, 393-95. These individuals, promised peace and safety in the United States, instead face chaos as a result of these two unconstitutional Executive Orders. IRAP and HIAS are the voices of their clients.

In sum, the missions of IRAP and HIAS are inextricably bound up with their clients' enjoyment of

their constitutional rights. HIAS CEO Mark Hetfield notes, "[t]he way we describe ourselves is that we used to resettle refugees because *they* were Jewish; now we resettle refugees because *we* are Jewish."[13] IRAP and HIAS have ongoing, close relationships with some of the most vulnerable individuals here in the United States who rely on IRAP and HIAS to rebuild their lives and provide them with the tools they need to survive and thrive here.

C. IRAP And HIAS Litigate On Behalf Of Individuals Who Face Hindrances In Asserting Their Rights.

The final prerequisite for third-party standing is that the first party be hindered from asserting its rights. IRAP and HIAS are seeking to vindicate the rights of clients who are hindered from asserting their rights. *See* Heller Decl., J.A. 270. It is appropriate for a third party to raise a claim when the directly affected individuals face "some hindrance" in asserting their constitutional rights. The litigant becomes, by default, the right's best available proponent. *See Singleton*, 428 U.S. at 116; *Exodus Refugee Immigration, Inc.*, 165 F.Supp.3d at 732.

IRAP and HIAS work closely with and represent individuals here in the United States who are petitioning for relatives abroad to join them. *See* Hetfield Decl. ¶ 5, J.A. 287; Heller Decl., ¶¶ 5, 10, 19, J.A. 387-88, 390, 393. As explained below, many of

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[13] Lizzy Ratner, *The Last Time We Closed The Gates*, THE NATION, Feb. 24, 2017, at 20, 24.

these individuals here in the United States face hindrances that prevent them from coming forward in this suit, including both a chilling effect stemming from anti-Muslim immigrant sentiment and violence against those perceived to be Muslim, as well as practical barriers that hinder bringing suit.

1. The Executive Order Has Resulted In A Chilling Effect, Which Courts Have Recognized As A Hindrance.

The clients of IRAP and HIAS have suffered serious chilling effects that hinder them from asserting their rights directly. Historically, courts have taken an expansive view of what constitutes hindrance, requiring "some hindrance" but not an absolute bar from suit. *Powers*, 499 U.S. at 411; *see also Pa. Psychiatric Soc'y v. Green Spring Health Servs., Inc.*, 280 F.3d 278 (3d Cir. 2002) ("A party need not face insurmountable hurdles to warrant third-party standing."). In *Singleton*, the Supreme Court recognized that the obstacles confronting women when challenging an abortion statute were not overwhelming but nevertheless constituted a sufficient impediment. *Singleton*, 428 U.S. at 117. These hindrances included the chilling effect stemming from the desire to protect one's privacy from the publicity of a court suit, and imminent mootness of any woman's claim. The suit could have been brought under a pseudonym or as a class, but the Court found there was "little loss in terms of effective advocacy from allowing its assertion by a physician." *Id.* at 106. In this case, IRAP and HIAS play a similar role as the physician in *Singleton*.

Since the beginning of his campaign and subsequent election, President Trump has been outspoken in his desire to prevent Muslims from entering the country. *See* Order Granting Preliminary Injunction, p. 7-10. Muslims today live in fear of targeting by both the current presidential administration as well as by other individuals emboldened by the President's campaign promises for a "complete shutdown" on Muslim immigration to the United States and as a "Muslim registry."[14] The number of anti-Muslim hate groups in the U.S. has tripled in the last year.[15] This growth has been accompanied by a large uptick in hate crimes targeting Muslims, including an arson attack that destroyed a mosque in Victoria, Texas just hours after the Trump Administration announced the first Executive Order banning individuals from predominantly Muslim countries.[16] In February 2017,

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[14] Donald J. Trump, *Statement on Preventing Muslim Immigration*, DONALDJTRUMP.COM (Dec. 7, 2015), https://www.donaldjtrump.com/pressreleases/donald-j.-trump-statement-on-preventing-muslim-immigration; *see also* Eric Lichtblau, *Hate Crimes Against Muslims Most Since Post 9-11 Era*, N.Y. TIMES (Sept. 17, 2016), https://www.nytimes.com/2016/09/18/us/politics/hatecrimes-american-muslims-rise.html (describing rise in hate crimes against Muslims in the United States).

[15] *Hate Groups Increase for Second Consecutive Year as Trump Electrifies Radical Right*, SOUTHERN POVERTY LAW CENTER (Feb. 15, 2017), https://www.splcenter.org/news/2017/02/15/hate-groups-increase-second-consecutive-year-trump-electrifies-radical-right.

[16] *Id. See also* Issac Chotiner, *Donald Trump & the Spike in Anti-Muslim Hate Crimes in the U.S.*, SLATE (May 9, 2016), http://www.slate.com/blogs/the_slatest/2016/05/09/donald_trump_and_the_rise_of_anti_muslim_hate_crimes.html

two Indian immigrants in Kansas City were shot, one fatally, after being asked if they had visas and being told by the shooter "get out of my country."[17] Multiple witness accounts confirm that the shooter believed that the men were Iranian.[18] Anti-Muslim and anti-immigrant bigotry have also affected those involved in litigation that seeks to uphold the constitutional rights of individuals affected by both Executive Orders. Individuals who have come forward to challenge both Executive Orders have faced harassment.[19] Anti-Muslim sentiment has also been directed at the federal judiciary. The day after the First Executive Order was signed, Judge Ann Donnelly, sitting in the Eastern District of New York, issued an order prohibiting the deportation of individuals detained at airports nationwide. Her decision drew the ire of anti-immigrant nationalists who published her phone number, her husband's name, and described her and those who supported her appointment using racial epithets and anti-Semitic

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[17] John Eligon et al., *Hate Crime Is Feared as Two Indian Engineers Are Shot in Kansas*, N.Y. TIMES (Feb. 24, 2017), https://www.nytimes.com/2017/02/24/world/asia/kansas-attack-possible-hatecrime-srinivas- kuchibhotla.html

[18] Samantha Schmidt, *Suspect in Kansas Bar Shooting of Indians Apparently Thought They Were Iranians*, WASH. POST (Feb. 28, 2017), https://www.washingtonpost.com/news/morningmix/wp/2017/02/28/suspect-in-kansas-bar-shooting-of-indians-apparently-thought-they-were-iranians/?utm_term=.314bb587a0c7.

[19] Vivian Yee, *Meet the Everyday People Wh Have Sued Trump. So Far, They've Won,* N.Y. TIMES (Mar. 29, 2017), https://www.nytimes.com/2017/03/29/us/trump-travel-ban.html?_r=1.

language.[20] President Trump himself has referred to Judge James Robart, who issued an order temporarily restraining the First Executive Order, as a "so-called judge."[21] This climate and anti-Muslim sentiment has persisted since the Second Executive Order. Judge Derek Watson, sitting on the District Court in Hawai'i, received death threats after he issued an order enjoining implementation of the March 6 Executive Order.[22]

This hostile environment has sparked fear in many immigrants of Muslim faith. As noted by HIAS's executive director: HIAS's Muslim clients have been marginalized in their communities as a result of the Executive Order. Clients report feeling that everyone wants to fight with them, and describe rumors of various attacks on mosques and other Muslims. A HIAS client, Fawzia, for example, reports that her niece and sister, who are both in middle school, were attacked at school. *See* Hetfield Decl., ¶¶ 30, 37, J.A. 411, 415. HIAS clients report feeling isolated and anxious about their situation and the future for their refugee relatives. *Id.* Amidst this fear, many IRAP

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[20] Ryan Lenz, *Daily Stormer Targets Federal Judge's Ruling Against Trump's Muslim Ban*, SOUTHERN POVERTY LAW CENTER (Feb. 1, 2017), https://www.splcenter.org/hatewatch/2017/02/01/daily-stormer-targets-federal-judges-ruling-against-trumps-muslim-ban.

[21] *See* Dean Obeidallah, *Donald Trump's Most Bone-chilling Tweet*, CNN (Feb. 6, 2017), http://cnn.it/2kFMEsG.

[22] Max Greenwood, *Judge Who Blocked Second Travel Ban Getting Death Threats*, THE HILL (Mar. 24, 2017 10:58 AM), http://thehill.com/blogs/blog-briefing-room/news/325614-federal-judge-who-blocked-second-travel-ban-received-threats

and HIAS clients are chilled from coming forward to assert their rights. Heller Decl., ¶ 27, J.A. 395-96. This desire to stay out of the spotlight during this time is particularly salient given the fact that many of these refugees and other visa applicants are recent arrivals from countries where they faced political or religious persecution. *Id.*

In a recent decision granting third-party standing to a resettlement agency that worked with Syrian refugees, a federal court noted the "significant hindrances" that the refugees faced in bringing suit themselves. These included the need that the refugees felt to 'lay low' and not draw attention to themselves" and the reticence that many likely felt to bring suit in a hostile political environment. *Exodus Refugee Immigration, Inc. v. Pence*, 165 F.Supp.3d 718, 732 (S.D. Ind. 2016), *aff'd*, 838 F.3d 902 (7th Cir. 2016). The added attention that the refugees received from government officials and the media made their desire to refrain from threats coming forward "particularly salient." *Id.* In *Exodus*, this chilling effect was enough to satisfy the genuine obstacle prong of the third-party standing test.

The publicity around the legal battles for both the initial Executive Order as well as the March 6 Executive Order has also further chilled IRAP's and HIAS's clients. Courts have found that the chilling effect created by the publicity of a legal battle is a sufficient hindrance to allow third-party standing. *Pa. Psychiatric Soc'y*, 280 F.3d at 290 (allowing a nonprofit to bring claims on behalf of individuals receiving mental health services because the "stigma associated with receiving mental health services

presents a considerable deterrent to litigation"); *Singleton*, 428 U.S. at 117 (plurality opinion) (noting a woman may choose not to assert her right to an abortion because she is chilled by the desire to protect the privacy of her decision from the publicity of a court suit, even if suit is brought under pseudonym); *NAACP v. Alabama*, 357 U.S. 449 (1958) (compelled disclosure of NAACP membership list would have the effect of suppressing legal association among members); *Exodus Refugee Immigration, Inc.*, 165 F.Supp.3d at 732 (publicity from litigation on part of Syrian refugees constituted a hindrance to parties asserting their own rights).

The publicity of a lawsuit is particularly chilling for those clients of IRAP and HIAS who are petitioning for their loved ones to join them in the United States. *See* Hetfield Decl. ¶¶ 30, 32, 33, 37, J.A. 412-14; Heller Decl. ¶ 27, J.A. 395-96. The process for these individuals is already fraught with uncertainty, especially because visa approval petitions are discretionary. Many individuals may fear that putting their name on a high-profile lawsuit could result in adverse treatment for their family members in the visa process on pretextual grounds with little course for redress. For many, the risks of litigation are just too high.

2. IRAP And HIAS Clients Face Additional Genuine Obstacles Including Psychological, Cultural And Financial Barriers.

Many of IRAP's and HIAS's clients come from countries where standing up to government

wrongdoing would be to put oneself in harm's way. *See* Heller Decl. ¶ 27, J.A. 396-97. The March 6 Executive Order affects all visa holders from the six banned countries, which, the government itself acknowledges, are countries with longstanding civil conflict. *See* Exec. Order No. 13780, Protecting the Nation from Foreign Terrorist Entry into the United States, 82 Fed. Reg. 13,209, 13,210 (Mar. 9, 2017). Expecting such individuals to shed those fears shortly after arrival in the United States is unrealistic, particularly now, when they are considered suspect because of their religion, ethnicity, and immigration status.

Scholars have recognized the obstacles that individuals who have suffered from trauma face in making legal claims.[22] Survivors of war, torture, displacement and other forms of trauma face a serious possibility of re-traumatization when they appear in court.[23] Part of IRAP and HIAS's client base includes individuals in the Direct Access ("USRAP") program and Special Immigrant Visa ("SIV") program who worked with the U.S. Armed Forces and U.S. government as contractors, translators or interpreters abroad. Hetfield Decl. ¶ 5, J.A. 398-99; Heller Decl. ¶ 26, J.A. 395 ("Our clients in USRAP and our Special Immigrant Visa programs are seeking resettlement to the U.S. as a safe haven but now feel threatened by the only safe option available to them."). Many of their clients have "suffered extreme trauma, often at the hands of government officials." Heller Decl., ¶ 27, J.A.

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[22] Jessica Mayo, *Court-Mandated Story Time: The Victim Narrative in U.S. Asylum Law*, 89 WASH. U. L. REV. 1485, 1503 (2012).

[23] *Id.*

395 (noting also that IRAP clients avoid situations where they have to talk about their trauma, such as participation in a lawsuit).

Because many IRAP and HIAS clients are newly arrived in the United States, they face additional cultural and financial barriers to filing suit. *See* Heller Decl. ¶ 27, J.A. 396. IRAP's Executive Director notes the unfamiliarity IRAP clients have with U.S. law and customs. "[M]any of our clients have difficulty completing forms that seem basic and simple to Americans; a form that has a line for 'address line two,' for example, confuses our clients, who do not understand why the form is asking for a second address." *Id.* Many do not speak English. *Id.* IRAP and HIAS clients also have few resources with which to bring suit. Hetfield Decl. ¶¶ 30-36, J.A. 412-15. Courts have also recognized that financial barriers are a sufficient hindrance. *See Campbell*, 523 U.S. at 398–400 (1998) (economic burdens of litigation and a small potential financial award are sufficient obstacles to permit third-party standing); *Powers*, 499 U.S. at 415 (noting the practical barriers that excluded jurors face when bringing suit such as the small financial stake and economic burdens involved).

CONCLUSION

Central to IRAP's and HIAS's mission is providing safety and stability to clients who have endured life-threatening situations before making the United States their home. They help make family members whole and self-sufficient by re-unifying them with loved ones abroad. IRAP and HIAS have a vantage point that makes them particularly qualified to

vindicate the rights of their clients. In this moment of great fear for Muslim immigrants in the United States, those most marginalized by the March 6 Executive Order are relying on organizations like IRAP and HIAS to continue to protect their interests, and speak out for their rights. Without a careful application of the third-party standing doctrine, their voices will continue to be silenced. For these reasons, *amici* support the third-party standing and relief sought by Respondents.

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APPENDIX: STATEMENTS OF INTEREST OF AMICI CURIAE

The Advocates for Human Rights is a nonprofit organization whose mission is to implement internationally-recognized human rights by promoting civil society and reinforcing the rule of law. In 2016, The Advocates for Human Rights provided full representation in over 650 cases throughout the Upper Midwest, including individuals from nations implicated in the Executive Orders, who were seeking asylum or attempting to re-unify with family. In addition to direct legal services, The Advocates for Human Rights works to eliminate bias against refugees, immigrants, and religious minorities through research, education, and advocacy. Since the announcement of the first travel ban in January 2017, The Advocates for Human Rights has assisted over 1,500 people including hundreds of Muslim refugees who have expressed fear of travel, concerns about family left abroad, and anxiety about living in the United States.

The Asian Law Alliance ("ALA") is a nonprofit law office founded in 1977 by law students from Santa Clara University School of Law. ALA's mission is to provide equal access to the justice system for Asian and Pacific Islanders and low-income residents of Santa Clara County. ALA provides legal services to the large refugee community residing in Santa Clara County. These services include family reunification, housing, and benefits. ALA works with immigrants of all backgrounds, including individuals of Muslim faith.

The Asian Pacific American Network of Oregon ("APANO") is a statewide, grassroots organization uniting Asians and Pacific Islanders to achieve social justice. APANO has worked for over 20 years to support the rights, resources, and recognition for Oregon's 250,000 Asian and Pacific Islanders. The travel ban further marginalizes members of our communities who are already vulnerable, limiting their rights and ability to redress claims. The Executive Order perpetuates racial and religious discrimination that undermines basic rights for all.

CASA is the largest membership-based immigrant organization in the mid-Atlantic region, with more than 80,000 members. CASA is deeply concerned about the Trump Administration's attempts to persecute those with the least power in our society. After the Muslim ban was announced, CASA was contacted by a community member with family trapped overseas and with whom she was only able to reunite because of the nationwide injunction that stayed the second ban. CASA staff stood with thousands of brave community members and attorneys at airports in Virginia and Maryland, fighting to protect the rights of immigrants seeking to lawfully enter the United States. CASA stands with the International Refugee Assistance Project ("IRAP"), HIAS, and the individuals they seek to protect through this litigation, which include many members of CASA's community.

Community Refugee & Immigration Services ("CRIS") helps refugees and immigrants sustain self-sufficiency and integrate into the Central Ohio community. CRIS is one of the largest resettlement agencies within the Church World Service network. Re-unifying families is essential to CRIS's work. CRIS has Affidavits of Relationship ("AORs") pending that represent at least 500 family members living abroad, mostly Somalis, and thus a great number of Muslims. Last year, CRIS resettled 833 immigrants from countries including Somalia, Iraq, and Syria. CRIS works with many immigrant parents who are waiting to be reunited with their children.

The Immigrant Law Center of Minnesota ("ILCM") is the state's largest provider of free legal immigration services. ILCM represents many individuals and families affected by the ban from predominately Muslim countries, including Somalia, Sudan, and Yemen. ILCM works directly with refugees and asylum-seekers to assist them with family reunification, applications for legal permanent residence, and naturalization. One of the youngest ILCM clients impacted by the ban was a girl named Mushkaad, the four-year-old child of a Minnesota Somali-born mother who was coming here to be reunited with her family after years of separation. Mushkaad and her mother are two of hundreds of Minnesota Somalis impacted by the ban

Integrated Refugee & Immigrant Services ("IRIS") is one of approximately 350 refugee resettlement nonprofits spread across the country welcoming and resettling refugees who have been rigorously vetted by the U.S. Government. Last year

IRIS welcomed 530 refugees from countries all over the world, including Syria, Sudan, and Iran. In general, refugees have two main concerns when they arrive in this country: reunification with their family members, and securing employment. Family re-unification is such an urgent need for these new Americans that IRIS established an immigration legal services program specifically to help our clients reunite with family members left behind. Among the thousands of immigrants IRIS has welcomed over the past ten years, hundreds are petitioning for their loved ones to come to the United States.

The Southeast Asia Resource Action Center ("SEARAC") is a national organization originally founded to help with the resettlement and integration of Southeast Asian communities. SEARAC provides advocacy, leadership development, and capacity building support to empower Southeast Asian Americans. Some Southeast Asian American communities endure prolonged separation from their loved ones due to the inefficiencies of family reunification policies and SEARAC remains committed to advocating for fair and humane laws that promote family unity.